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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,214	10/17/2001	Sridatta Viswanath	5681-90700	7390
58467	7590	05/15/2008		
MHKKG/SUN P.O. BOX 398 AUSTIN, TX 78767			EXAMINER ELISCA, PIERRE E	
			ART UNIT 3621	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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MAY 14 2008
TECHNOLOGY CENTER 3600

In re application of :
Sridatta Viswanath et al. :
Application No. 09/982,214 : **DECISION ON PETITION**
Filed: October 17, 2001 : **TO REVIEW RESTRICTION**
For: **DOCUMENT EXCHANGE FRAMEWORK** : **REQUIREMENT UNDER**
FOR AUTOMATED EXTENSIBLE MARKUP : **37 C.F.R. §1.144**
LANGUAGE DATA IN AN E-PROCUREMENT :
SYSTEM AND METHOD :

This is in response to the petition filed on December 5, 2005 to request that the restriction requirement mailed April 7, 2005 be withdrawn.

Applicants petition for review of the restriction requirement, in conformance with Applicants' right to due process under the Administrative Procedures Act and suitable remedy in the form of withdrawal of the restriction requirement for having been allegedly denied due process.

The petition is **GRANTED**.

A review of the file history indicates a written restriction requirement (1st Restriction) was mailed by the USPTO on December 14, 2004. The 1st Restriction divided original claims 1-30 in two ways. Invention I (*i.e.* claims 1-16) was drawn to an electronic purchasing and procurement system and classified in class 705, subclass 26 while Invention II (*i.e.* claims 17-30) was drawn to a document exchange framework and method of providing XML content from a database and classified in class 707, subclass 523.

In response to the 1st Restriction, Applicants filed a response on January 18, 2005. In the January 18th response, Applicants elected Invention II without traverse and filed a claim amendment. In the January 18, 2005 amendment, Applicants cancelled claims drawn to Invention 1 (*i.e.* claims 1-16), amended claims 17-19 and 25, and added new claims 31-45. Also in the response to the 1st Restriction, Applicants argued that claims 31-45 should be grouped with Invention II since the newly added claims relate to a

document exchange framework for processing in-bound and out-bound documents in an electronic procurement system.

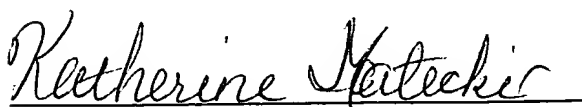
After considering Applicants' response to the 1st Restriction, the USPTO mailed a non-final office action (First Non Final Office Action) on April 7, 2005. In the First Non Final Office Action, the examiner added a third group to the 1st Restriction, namely Invention III. According to the First Non-Final Office Action, Invention III was classified in class 705, subclass 26. In accordance with MPEP §811.02, the First Non Final Office Action went on to state that Inventions I and III are also restrictable and therefore subject to a second restriction (2nd Restriction) because they are subcombinations usable together. It is noted that in accordance with MPEP §806.05(d), subcombinations usable together are restrictable if they can be shown to be separately usable. In particular, the 2nd Restriction stated that Invention III has separate utility because it requires the use of tag names which are not required for Invention I. The 2nd Restriction also went on to state that "[b]ecause these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper."

In response to the First Non Final Office Action and the 2nd Restriction, Applicants filed a response on July 11, 2005. In the July 11, 2005 response, Applicants inter alia, traversed the 2nd Restriction on the grounds that Inventions I and III are *not* disclosed as subcombinations useable together in a single combination. Instead, Applicants argue, the respective claims of Inventions I and III recite features and functionality of the same Document Exchange (XDOC) Framework. Applicants went on to argue that "[a]lthough claims 17-30 and 31-45 do vary in scope, both claim sets read on the general functionality of the XDOC Framework described in Applicants' disclosure, not on two separate subcombinations."

A review of the claims and as noted by the examiner, Inventions I and III are both classified in class 705, subclass 26. Therefore there would be no additional search by the examiner by including claims 31-45. For this reason, there appears to be little additional burden on the examiner in searching claims 31-45.

Therefore, the 2nd restriction requirement is withdrawn as improper, and the Office action mailed on March 28, 2008 is hereby **vacated**. The application is being returned to the examiner for consideration of claims 31-45 on the merits.

Any question concerning this decision should be referred to Supervisory Patent Examiner Andrew Fischer at (571) 272-6779.

for 

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4/22/08